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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,554	03/28/2001	Masanori Kubo	1081.1112	9445

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EXAMINER

CHANKONG, DOHM

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/818,554

Applicant(s)

KUBO, MASANORI

Examiner

Dohm Chankong

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-18 are presented for examination.

Specification

2. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are:

- a. page 2, line 3: "specially";
- b. page 3, lines 20-26 - "...there is provided a method of informing the number of accesses to user at that time the accessible number exceeds, when a user sends an access request to a server, which provides the service, with no execution of immediate access to the server, updating the information as occasion...";
- c. page 4, lines 6 and 7: "Thereby, when more access requests over the ability become centralized...";
- d. page 4, line 20: "till";
- e. page 11, lines 19-20: "...the queuing condition is informed to the user until the user can access as occasion...".

3. The disclosure is objected to because of the following informalities: The word 'accessible' is spelled incorrectly throughout the entire disclosure.

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Appropriate correction is required.

Claim Objections

4. Claim 18 is objected to because of the following informalities: claim 18, lines 6 and 13 - the word "sever" should be spelled server. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 18 is rejected under 35 U.S.C 102(a) as being unpatentable over MacDonald et al ("McDonald"), U.S Patent No. 5,867,572.

7. MacDonald teaches a first server (Figure 1, item 1), in response to an access request (Figure 1, item 2) from said client to said third server (Figure 1, item 3), immediately connects said client to said third server, when said third server becomes accessible (column 3, lines 54-61), and connects said client to said second server (Figure 1, item 8), when said third server, does not become available (column 4, lines 40-47); and

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said second server displays said information of the number of accesses of said third server on said client (column 5, lines 59-63), when connected to said client, displays the information of the number of accesses updated in a fixed time interval after that (column 1, lines 27-29, claim 5), and connects said client to said third server at the time said third server becomes accessible (column 4, lines 49-53).

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

9. Claims 1, 2, 7, 8 and 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Whitt, U.S Patent No. 6,023,681.

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10. As to claim 1, Whitt discloses a service provision method for service provision from a server connected to a client via a network to a user through said client (abstract), comprising:

a first step of, in response to an access request from said client to said server, immediately connecting said client to said server, when it is judged that said server becomes accessible, and suspending said access request and displaying information of the number of accesses to said server on said client, when it is judged that said server does not become accessible (abstract, column 1, lines 9-12, and column 2, lines 29-44);

a second step of displaying said information of the number of accesses updated in a fixed time interval on said client after displaying said information of the number of accesses at said first step (column 3, lines 10-17); and

a third step of connecting said client whose access request is suppressed to said server at the time when said server becomes accessible after displaying said information of the number of accesses at said first step (column 1, lines 9-12).

11. As to claim 2, Whitt discloses a service provision method wherein said judgement whether said server becomes accessible is executed according to said number of access requests and the submitted accessible number of said server (column 1, lines 9-20, line 67 to column 2, line 3 and lines 29-44).

12. As to claim 7, Whitt discloses a service provision method wherein said information of the number of accesses on said client includes information that shows what number said client becomes accessible (Figure 2, item 1220).

13. As to claim 8, Whitt discloses a service provision method wherein when said information of the number of accesses is displayed on said client, an estimated time before said server becomes accessible, which is obtained according to a time varied condition of said information of the number of accesses, is further displayed (column 2, lines 29-44 and column 3, lines 12-14).

14. As to claim 14, Whitt discloses a service provision method further comprising a step of displaying said information of the number of accesses for said client accessing to said server, when it is judged that said server does not become available (column 2, lines 29-44).

15. As to claim 15, Whitt discloses a service provision method for service provision from a server connected to a client via a network to a user through said clients (abstract), comprising:

a first step in which at the time said client sends an access request to said server, said client is immediately connected to said server, when it is judged that said server becomes accessible, and said access request is suppressed and said client displays said information of the number of access of said server, when it is judged that said server does not become accessible (abstract, column 1, lines 9-12, and column 2, lines 29-44);

a second step of in which said client displays said information of the number of accesses updated in a fixed time interval after displaying said information of the number of accesses at said first step (column 3, lines 10-17); and

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a third step in which said client is connected to said server when said server becomes accessible after displaying said information of the number of accesses at said first step (column 1, lines 9-12 and column 2, lines 29-44).

16. As to claim 16, Whitt discloses a service provision method wherein said client obtains said updated information of the number of accesses displayed at said second step in said fixed time interval (column 3, lines 101-17).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claim 3 is rejected under 35 U.S.C 103(a) as being unpatentable over Whitt, in view of Wayne et al ("Wayne"), U.S Patent No. 5,006,983.

19. As to claim 3, Whitt does not teach a service provision method wherein when said server becomes accessible at said third step, information that shows said server becomes accessible is displayed on said client before accessing to said server.

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20. Wayne teaches a service provision method wherein when said server becomes accessible at said third step, information that shows said server becomes accessible is displayed on said client before accessing to said server (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Wayne's server availability notification method into Whitt so as to be able to notify clients about the availability of a service located on the server.

21. Claim 4 is rejected under 35 U.S.C 103(a) as being unpatentable over Whitt, in view of MacDonald.

22. As to claim 4, Whitt does not teach a service provision method wherein when said server becomes accessible at said third step, a message that means said server becomes accessible is uttered by voice from said client before accessing to said server.

23. MacDonald teaches a service provision method wherein when said server becomes accessible at said third step, a message that means said server becomes accessible is uttered by voice from said client before accessing to said server (abstract). It would have been obvious to one of ordinary skill in the art to implement MacDonald's voice announcement method into Whitt's queuing system so the client can be informed of his position in the queue and relative wait time so he does not hang up before being connected (column 1, lines 38-43).

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24. Claim 5 is rejected under 35 U.S.C 103(a) as being unpatentable over Whitt, in view of Moreau et al ("Moreau"), U.S Patent No. 6,243,706.

25. As to claim 5, while Whitt does disclose notifying clietn that said server has become available, Whitt does not specifically teach the use of an e-mail that shows said server becomes accesible sent to a pre-registered mail address of said user before accessing to said server.

26. Moreau teaches that it is very well known in the art to use E-mail as a means of event notification to signal the user/client/customer that an event has occurred (column 7, lines 48-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include email into Whitt's notification method so as to allow the user to be notified by email when the server has become availble.

27. Claim 6 is rejected under 35 U.S.C 103(a) as being unpatentable over Whitt in view of Lee, U.S Patent No. 4,788,715.

28. Whitt teaches a service provision method wherein said fixed time interval at said second step is varied (column 3, lines 10-17) but does not teach that it is varied according to said information of the number of accesses.

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29. Lee teaches that the update fixed timer interval is varied according to said information of the number of accesses (Figure 6 and column 6, lines 35-65). It would have been obvious to one of ordinary skill in the art to implement Lee's fixed timer interval methods into Whitt's queue method to keep customers updated of their wait in line when a customer ahead of them is taken of the queue.

30. Claims 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitt in view of Phaal, U.S. Patent No. 6,006,269.

31. As to claim 9, Whitt does not teach a service provision method urging a password input for said user while a period before the said server becomes accessible, and accessing said client to said server at that time, regardless of said judgement whether said server becomes accessible, when authorizing that said input password is correct.

32. Phaal teaches a service provision method urging a password input for said user while a period before the said server becomes accessible, and accessing said client to said server at that time, regardless of said judgement whether said server becomes accessible, when authorizing that said input password is correct (column 2, line 64 to column 3, line 4 and column 12, lines 10-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Phaal's password input functionality into Whitt to allow a client to gain immediate access to a server without having to further wait in the queue, allowing higher priority clients quicker access to the service.

33. Claims 10 and 11 are rejected under 35 U.S.C 103(a) as being unpatentable over Whitt, in view of Suzuki et al ("Suzuki"), U.S Patent No. 6,470,323.

34. As to claim 10, Whitt does teach displaying said information of the number of accesses on said client (abstract) but does not teach a service provision method wherein when said provided service is for commodity sales, the number of sellable goods in stock is further displayed.

35. Suzuki teaches a service provision method when said provided service is for commodity sales, the number of sellable goods in stock is further displayed to the client (Figures 6 and 7 and column 1, lines 17-37). It would have been obvious to one of ordinary skill in the art to combine Suzuki's goods notification method into Whitt's method to keep the client apprised of the status of the number of goods that are available for sale while he is waiting in the queue.

36. As to claim 11, Whitt does not teach a service provision method wherein said number of goods in stock becomes zero, information that shows the commodity of sales of goods is finished is displayed on said client.

37. Suzuki teaches a service provision method wherein said number of goods in stock becomes zero, information that shows the commodity of sales of goods is finished is

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displayed on said client (Figure 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Sukuzi's out of stock message in Whitt's customer queuing system to inform the client that the product he wants is no longer in stock.

38. Claim 12 is rejected under 35 U.S.C 103(a) as being unpatentable over Whitt, in view of Suzuki, in further view of MacDonald.

39. Whitt does not teach a service provision method wherein when said number of goods in stock becomes zero, a message that means said commodity sales of goods is finished is uttered by voice from said client.

40. Suzuki teaches a method of notifying the client when commodity of sales of goods is finished (Figure 7) but not that the message is a voice message. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Suzuki's goods notification functionality into Whitt to notify the client when the sales of goods is completed.

41. MacDonald teaches a method of notifying a user by using a voice message (abstract). It would have been obvious to one of ordinary skill in the art to implement MacDonald's voice announcement method into Whitt and Suzuki's queuing system so the client can be informed of the status of the goods through voice (column 1, lines 38-43).

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42. Claim 13 is rejected under 35 U.S.C 103(a) as being unpatentable over Whitt, in view of Suzuki in further view of Moreau.

43. Whitt does not teach a service provision method wherein when said number of goods in stock becomes zero, an email that shows said commodity sales of goods is finished is sent to a preregistered mail address of said user.

44. Suzuki teaches a method of notifying the client when commodity of sales of goods is finished (Figure 7) but not that the message is a voice message. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Suzuki's goods notification functionality into Whitt to notify the client when the sales of goods is completed.

45. Moreau teaches that it is very well known in the art to use E-mail as a means of event notification to signal the user/client/customer that an event has occurred (column 7, lines 48-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include email into Whitt and Suzuki's notification method so as to allow the user to be notified by email when the the sale of goods has been completed.

46. As to claim 17, Whitt does not teach a service provision method wherein said client judges whether said server becomes accessible at said third step.

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47. Phaal teaches a service provision method wherein said client judges whether said server becomes accessible (column 11, line 67 to column 12, line 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Phaal's client judging functionality into Whitt to give the user the elective powers over whether or not to access the server.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art:

U.S Patent No. 5,006,983 to Wayne et al;

U.S Patent No. 5,828,879 to Bennett.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (703)305-8864.


The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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DC


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